



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

# 6  
prior art  
E. Fray  
8/21/03

In re application of: :  
Frampton E. Ellis III :  
Application No. : Group Art Unit:  
09/993,665 : 3728  
: : Examiner: Not Yet Assigned  
: : Attorney Docket No.:  
Filed: November 27, 2001 : ANAT-4USDIV5  
For: Corrective Shoe Sole Structures Using a :  
Contour Greater Than the Theoretically Ideal:  
Stability Plane :  
:

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. §1.97**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§1.56 and 1.97 and MPEP §2280, Applicant respectfully submits herewith information, which the Examiner is asked to consider. The documents submitted herewith are listed on the attached Substitute Form PTO 1449 (in duplicate).

This Information Disclosure Statement is being submitted prior to the issuance of the first Office Action. Therefore, no fee is believed to be due in connection with this submission. If any fee is due, the Commissioner is authorized to charge Deposit Account No. 50-0462. Moreover, please credit any overpayment to Deposit Account No. 50-0462.

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MAY 27 2003

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

Date: May 20, 2003

TECHNOLOGY CENTER R3700

I hereby certify that this paper, along with any document or paper referred to as being attached or enclosed, is being sent in a pre-paid envelope first class mail to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Jayne Webb  
Name of person sending correspondence

Jayne Webb  
Signature of person sending correspondence

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached Substitute PTO 1449 form.

The patents/publications listed on the PTO 1449 include:

Reference AI, German Publication No. 3113295, in the name of Kistinger Georg Ing Grad, published October 21, 1982, is believed to disclose, according to [esp@cenet](mailto:esp@cenet) a mold for manufacturing shoe bottoms consisting of two interconnected layers. The lower layer of the shoe bottom is formed by placing an auxiliary last on the upper side of the lateral edges of the lower mold.

Reference AJ, German Publication No. 3347343, in the name of KVL Kunststoffverarbeitung GMB, published July 18, 1985 is believed to disclose, according to [esp@cenet](mailto:esp@cenet), a shoe with an intermediate sole made of foam.

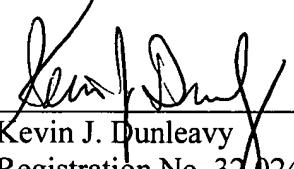
This submission does not represent that a search has been made (37 C.F.R. §1.97(g)) or that no better art exists and does not constitute an admission that each or all of the listed documents are material (37 C.F.R. §1.97(h)) or constitute "prior art." The filing of this information disclosure statement shall not be construed as an admission against interest in any matter. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

If the Examiner applies any document as prior art against any claims in the application and Applicant determined that the cited document does not constitute "prior art" under United States law, Applicant reserves the right to present to the Patent Office the relevant facts and law regarding the appropriate status of such document.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should one the document be applied against the claims of the present application.

Respectfully submitted,

Date: May 20, 2003

  
\_\_\_\_\_  
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FORM PTO-1449 Modified

Sheet 1 of 1

**List of Patents and Publications  
Cited by Applicant  
(Use several sheets if necessary)**

**U.S. Department of Commerce  
Patent and Trademark Office**

Docket No.  
ANAT-4USDIV5

Serial No.  
09/993,665

Applicant  
Frampton E. Ellis III

Filing Date  
Nov. 27, 2001

Group  
3728

**U.S. Patent Documents**

Examiner Initial		Document No.	Date	Name	Class	Subclass
	LA	4,043,058	Aug. 23, 1977	Hollister et al.	36/102	36/28
	LB	4,128,950	Dec. 12, 1978	Bowerman et al.	36/30	36/59
	LC	4,769,926	Sep. 13, 1988	Meyers	36/43	36/44
	LD	4,894,933	Jan. 23, 1990	Tonkel et al.	36/28	36/30
	LE	4,897,936	Feb. 6, 1990	Fuerst	36/30	36/31
	LF	5,191,727	Mar. 9, 1993	Barry et al.	36/107	36/28
	LG	5,369,896	Dec. 6, 1994	Frachey et al.	36/29	36/28
	LH	5,572,805	Nov. 12, 1996	Giese et al.	36/30	36/31

**Foreign Patent Documents**

		Document No.	Date	Country	Translation YES	NO
	LI	8431831	Dec. 1984	Germany	X – Abstract only	
	LJ	3113295	Oct. 1982	Germany	X – Abstract only	

**DATE CONSIDERED**

**EXAMINER**

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